

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MEMORANDUM ORDER

This case has been referred to Chief United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 25, 2018, the Chief Magistrate Judge issued a Report (Doc. 2) recommending that the Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) be denied because Plaintiff has acquired at least three prior strikes, and his proposed complaint does not reveal an imminent risk of serious physical injury, as required by 28 U.S.C. §1915(g). Service of the Report and Recommendation was made, and Plaintiff has filed Objections. *See* Doc. 4.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

The Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) is DENIED, and the Chief Magistrate Judge's Report and Recommendation (Doc. 2) hereby is adopted as the Opinion of the District Court. Plaintiff is directed to pay the full \$400.00 filing fee¹ for this civil

¹ Effective May 1, 2013, an administrative fee of \$50.00 is to be paid in addition to the \$350.00 filing fee required upon filing of a civil action, for a total of \$400.00. The \$50.00 fee does not apply to persons proceeding and granted *in forma pauperis* status under 28 U.S.C. § 1915. See <http://www.pawd.uscourts.gov/fee-schedule>.

action on or before March 16, 2018 or face dismissal of this action for failure to prosecute.

Should Plaintiff pay the full filing fee within the aforementioned time frame, the Court will proceed to screen his complaint pursuant to 28 U.S.C. § 1915A.

IT IS SO ORDERED.

February 22, 2018

s\Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via First-Class, U.S. Mail):

Allen Bennett
36570
Erie County Prison
1618 Ash Street
Erie, PA 16503